

Application ref: 2024/3557/P
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Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
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WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Miss Melisande Besse
41 Kelly Street
London
NW1 8PG

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:
41 Kelly Street
London
NW1 8PG

Proposal:

Erection of spiral staircase at rear to provide access to existing first floor roof terrace, replacement of rear first floor door with window and enlargement of door at rear ground floor level.

Drawing Nos:

Site location plan; KS41_FLOOR_EXISTING_01; KS41_BATH_ELEV_EXISTING_01;
KS41_KTCH_ELEV_EXISTING_01; KS41_FLOOR_EXT_PROPOSED_01;
KS41_KTCH_ELEV_PROPOSED_01; KS41_BATH_ELEV_PROPOSED_01; Design &
Access Statement; Heritage Statement

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site location plan; KS41_FLOOR_EXISTING_01;
KS41_BATH_ELEV_EXISTING_01; KS41_KTCH_ELEV_EXISTING_01;
KS41_FLOOR_EXT_PROPOSED_01; KS41_KTCH_ELEV_PROPOSED_01;
KS41_BATH_ELEV_PROPOSED_01; Design & Access Statement; Heritage Statement

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reason for granting permission

The property is a Grade II listed terrace property in the Kelly Street Conservation Area. A Conservation Officer has reviewed the proposal. The new staircase is affixed to a part of the building which was extended and rebuilt in the C21st. The door to the kitchen also dates from this period and a modern door to the upper level will be replaced with a timber sash window. There is no loss of historic fabric, no harm to planform or evidential value and the works are not considered to affect the setting of neighbouring listed buildings. The spiral staircase and the other works would have minimal impact on the character and appearance of the conservation area.

The proposed staircase would not result in overlooking of the neighbouring gardens greater than that which already exists from the existing first floor terrace which was approved in 2013 and, in fact, existed before that. The proposed alterations would not harm the outlook of neighbouring occupiers or result in loss of sunlight or daylight.

As the application is a householder application it is exempt from the Biodiversity Net Gain condition. An informative is included on the decision notice setting this out.

Special regard has been attached to the desirability of preserving or enhancing the listed building or its setting or any features of special architectural or historic interest which it possesses under s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 as amended.

The planning and appeal history of the site has been taken into account when coming to this decision. No objections were received prior to making this decision.

As such, the proposed development is in general accordance with policies D1, D2 and A1 of the Camden Local Plan 2017. The development also accords with the NPPF 2023 and the London Plan 2021.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 3 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 4 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

5 Biodiversity Net Gain (BNG)

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below.

Based on the information available this permission will not require the approval of a BGP before development is begun because the application is a Householder Application.

If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements. The BGP must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The LPA can only approve a BGP if satisfied the adverse effect on the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990
If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 and a BGP was approved in relation to the previous (parent) planning permission ("the earlier BGP") there are circumstances when the earlier BGP is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2023.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-householder-planning-decision>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is positioned above the printed name and title.

Daniel Pope
Chief Planning Officer